

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Earl Mack, # 216237,

Plaintiff,

v.

Barney Giese, Solicitor, richland County
Solicitor's Office;
Henry McMaster, Attorney General of
the State of South Carolina;
Jon Ozmint, Director, South Carolina
Department of Corrections, and
Samuel B. Glover, Director, South
Carolina Department of Probation,
Parole and Pardon Services, in their
official capacities,

Defendants.

C/A No. 6:06-1397-GRA-WMC

ORDER

This matter is before the Court for a review of the magistrate's Report and Recommendation made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2)(d), D.S.C., and filed June 1, 2006. This case is before the Court on Plaintiff's Motion to Voluntarily Dismiss the case without prejudice so that he may proceed with his claim in South Carolina state court under the South Carolina Post Conviction Relief Act. The magistrate recommends granting the Plaintiff's motion. This Court agrees.

IT IS THEREFORE ORDERED that the Complaint be DISMISSED without prejudice and without issuance and service of process.

IT IS SO ORDERED.



G. ROSS ANDERSON, JR.
UNITED STATES DISTRICT JUDGE

Anderson, South Carolina

June 22, 2006.

NOTICE OF RIGHT TO APPEAL

Plaintiff has the right to appeal this Order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure. Failure to meet this deadline, as modified by Rule 4 of the Federal Rules of Appellate Procedure, will waive the right to appeal.